

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 1 and 4-9 are pending in the present application. Claims 1, 8, and 9 are the independent claims.

Claim 2 and 3 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1, 4, and 6 have been amended. Claims 8 and 9 are newly-presented. No new matter has been added.

Initially, Applicant acknowledges with appreciation the indication that claims 3 and 4 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. By the present Amendment, Applicant has cancelled claim 2 and allowable claim 3 and amended independent claim 1 to recite the features of claim 2 and allowable claim 3. Claims 4-7 depend either directly or indirectly from independent claim 1. Accordingly, it is respectfully submitted that claims 1 and 4-7 are now in allowable form.

Claims 1-7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on two specified grounds. Each ground is addressed in turn.

First, the Office Action contends that the meaning of the recitation "laser beam" is unclear in relation to the multi-beam laser." (Office Action, page 3). In response, Applicants respectfully direct attention to the express recitations of independent claim 1, which claim does not include a recitation of a "multi-beam laser." Rather, the phrase "multi-beam" is used to modify/describe the laser scanning unit. Further, the phrase "laser beam" is consistently recited in the singular in independent claim 1. Indeed, nowhere in independent claim 1 are multiple beams recited. Thus, it is respectfully submitted that the meaning of the recitation "laser beam" is certain and definite.

Secondly, the Office Action contends that these claims are unclear because the number of collimating lenses is uncertain. (Office Action, page 3). In response, Applicants respectfully direct attention to the express recitations of independent claim 1, where "a collimating lens" is recited. It is respectfully submitted that this non-plural recitation requires one collimating lens. Indeed, it is to be appreciated that Applicant has used the indefinite article "a" which is used with

singular nouns. Thus, it is respectfully submitted that the number of collimating lenses is certain and definite.

Accordingly, favorable reconsideration and withdrawal of the rejection of the rejection of the claims under the second paragraph of 35 U.S.C. § 112 are respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,320,647 (Makino) in view of U.S. Patent No. 5,208,456 (Appel). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over (Makino) in view of (Appel) and further in view of U.S. Patent No. 5,581,404 (Misaka). Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over (Makino) in view of (Appel) and further in view of U.S. Patent No. 5,153,768 (Appel). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over (Makino) in view of (Appel) and further in view of U.S. Patent No. 4,756,584 (Takanashi).

All art rejections are respectfully traversed for at least the reasons set forth above, --namely the inclusion of subject matter indicated as patentably defining the present invention over the citations of record.

Newly-presented claims 8 and 9 are directed to image forming apparatuses. It is respectfully submitted that newly-presented claim 8 patentably defines over the citations of record at least because of the recitation of a transparent member ... having an inclined lower side inclined with respect to a scanning direction of a laser beam and a movable member having an inclined surface inclined with respect to the inclined lower side of the transparent member and varying the height of the transparent member with respect to sources of the laser beam. It is respectfully submitted that newly-presented independent claim 9 patentably defines over the citations of record at least because of the recitation of features based on those of cancelled claim 3.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, The Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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